

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**July 24-28, 2006**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
7-24	EX	78408332	Real Estate USA, Inc.	Seeherman* Quinn Cataldo	2(d)	Refusal Reversed		"RE USA REAL ESTATE USA" (and design) [real estate agency services]	"REAL ESTATE USA" (and design) [real estate agencies]	Hartzog	No
7-24	EX	78245750	John M. Floyd & Associates, Inc.	Seeherman* Grendel Zervas	2(e)(1)	Refusal Reversed		"PRIVILEGE MANAGER CRM" [computer software for use in providing management reports, custom reports and account holder communications for financial institutions in connection with their overdraft privilege programs and the supervision of overdrawn accounts and the customer relations]		Hickey	No
7-24	EX	78389002	Ware	Quinn Hairston* Cataldo	2(d)	Refusal Affirmed as to all four cited registrations		"DOWN IN SOUTHERN COMFORT" [men's, women's and children's wearing apparel, namely, t-shirts, head gear, foot gear, shirts, pants, dresses, blouses, skirts, sport jackets, sport pants]	<i>4 cited registrations, all owned by the same entity:</i> "SOUTHERN COMFORT" [clothing, namely, shirts, caps, jackets, etc.]; "SOUTHERN COMFORT ESTABLISHED 1874," "SOUTHERN COMFORT" (in stylized lettering), and "SOUTHERN COMFORT REG. U.S. PAT. OFF." (and design) [all three marks for: footwear, hats, t-shirts, shirts, pants, jackets, etc.]	M. Rademacher	No

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7-25	EX	78369245	Rodale Inc.	Bucher Grendel* Holtzman	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Affirmed		"NUTRITION BULLETIN" [providing information in the field of health and diet via a web site on the Internet]		Saunders	Yes
7-25	CANC (SJ) (R)	92031572	Lu Soro v. Citigroup, Inc.	Quinn Walters Rogers [Opinion "By the Board" (Goodman)]	whether cancellation petitioner has standing to file the petition to cancel	Request for Reconsideration Denied [Petition to Cancel Denied (Respondent's motion for summary judgment granted)]	"CITIGROUP" [financial services]	"CITIGROUP" [full range of insurance and financial services; banking services; credit card services; securities trading, consulting and underwriting services; investment services]			No
7-25	EX	78239930	Congoleum Corporation	Hohein Bucher* Walsh	2(d)	Refusal Affirmed		"PACESETTER" [plastic floor covering having a water resistant, smooth or embossed surface in rolls or tiles]	"P THE PACESETTER CORPORATION" (and design) [home improvement products, namely, aluminum storm windows and doors, replacement prime windows, windows, doors, patio covers, and porch and patio enclosures; installation of the above goods]	I.A. Clark	No

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7-25	EX	76586067	Elegant Headwear Co., Inc.	Holtzman* Walsh Cataldo	2(d)	Refusal Affirmed, but only as to the goods in Class 24 of the cited registration		"SPA BABY" [cloth bibs, and baby outfits, namely, rompers and jumpsuits]	"BABY SPA" (and design) [in Class 3: infant personal care products, namely, baby soap, baby shampoo, baby lotion, baby oil, and baby powder; in Class 24: infant care products, namely, baby washcloths and towels]	T. Fisher	No
7-25	EX	76500182	Aesgen, Inc.	Bucher* Drost Cataldo	2(d)	Refusal Affirmed		"PROTORIS" [pharmaceutical preparations for the treatment of mucositis and inflammation of mucous membranes]	"PROTEROS" [herbicides, pesticides, fungicides, all for agricultural, domestic, and commercial uses; dietary/nutritional supplement; preparations for destroying vermin; food for babies]	Saito	No
7-25	EX	78440471	Circus Restaurant Group, LLC	Seeherman* Bucher Walsh	Section 6 disclaimer requirement of the words CIRCUS CAFE	Refusal Affirmed		"CIRCUS CAFE SARATOGA SPRINGS, NY" (and design) [a circus theme restaurant offering a complete lunch and dinner menu]		Le	No
7-25	EX EX	76591235 76591237	Regency Inns Management, Int.	Seeherman* Hairston Zervas	2(e)(2)	Refusal Affirmed in both cases		"DEADWOOD RESORT" and "DEADWOOD RESORT AND CONFERENCE CENTER" [both marks for hotel and motel services]		Murray	No

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7-25	EX	76583582	Patrick Helbling	Seeherman Grendel* Holtzman	2(d)	Refusal Affirmed		“MARINELAND OF THE PACIFIC” (and design) [marine historical services in the nature of museums and aquarium and oceanarium services, namely, providing the public with opportunities to view various forms of aquatic life in an environment that closely simulates their native habitat]	“MARINELAND” [providing the public with opportunities to view various forms of aquatic life in an environment that closely simulates their native habitat, and to view trained performances by aquatic creatures]	Kline	No
7-25	EX	76449120	GCC Management Limited	Bucher Grendel* Walsh	2(d)	Refusal Affirmed		“QIMAGING” [ <i>in Class 2</i> : ink for printers and copiers; toner for printers and copiers; ink and toner cartridges and canisters for copiers and printers; <i>in Class 9</i> : photocopiers, printers; laser printers; inkjet printers; bubble jet printers; parts and fittings for all the aforesaid goods; drum units for copiers and printers; rollers for copiers and printers; blades for copiers and printers]	“QIMAGING” [high performance digital cameras]	K. Wells	No
7-26	EX	76433641	VoiceMatch Corporation	Hohein Drost Zervas*	2(e)(1); whether applicant's mark has acquired distinctiveness under Section 2(f)	Refusal Affirmed on both grounds		“VOICEMATCH” [development of new technology for others in the field of biometric voice templates (also called voiceprints) which is compatible with prior made voice templates]		Fickes	No

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7-27	EX	76572755	Parrish Enterprises, Ltd.	Quinn Bucher Drost*	2(d)	Refusal Affirmed		"SEEKER" [fishing rods and fishing rod blanks]	"FISH SEEKER" [a device attached to fishing rods to determine depth]	Madden	No
7-27	EX	78278816	Sanofi-Aventis	Drost* Zervas Cataldo	2(e)(1)	Refusal Affirmed		"INCLUSIVE" [clinical research in the field of hypertension and anti-hypertensive pharmaceuticals; medical and scientific research, namely, conducting clinical trials for anti-hypertensive pharmaceuticals]		Delaney	No
7-27	EX	78235185	Trianon International Investments Ltd.	Quinn Drost Cataldo*	2(d)	Refusal Affirmed		<i>mark consisting of a design and the words:</i> "TRIANON," "DANISH BAKERY," "ROYAL CONFECTIONERY," and "SINCE 1683" [restaurants, cafes, cafeterias, catering services]	"TRIANON PALACE" [restaurants, hotels, bars, beauty salons, and health spas]	Buongiorno	No
7-27	EX	76569806	San Francisco Bay Brand, Inc.	Hairston* Bucher Zervas	2(e)(1)	Refusal Affirmed		"NATURAL FORMULATED DIETS" [tropical, marine, fresh water and salt water fish feed, and feed used in cultivation of fishes, mollusks, and crustaceans]		Swain	No
7-27	EX	76470083	Miller Chemical & Fertilizer Corporation	Quinn Hairston* Walsh	2(d)	Refusal Reversed		"SUSTAIN" [spreader-sticker adjuvants for use in the field of commercial agriculture and horticulture in enhancing contact and adhesion of pesticides to plant surfaces]	"SUSTANE" [natural organic fertilizer]	Wheatley	No

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7-28	EX	76321086	Financial Foundations, Inc.	Seeherman Hohein* Cataldo	2(d)	Refusal Affirmed		"THE FINANCIAL FOUNDATION ASSESSMENT" [financial planning services]	"FINANCIAL FOUNDATION" [financial services, in the nature of financial planning services]	Lehker	No

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